



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/569,944

02/28/2006

Takumi Fujikawa

0757-0312PUS1

1066

2292 7590 04/07/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

GREGORY, BERNARR E

ART UNIT

PAPER NUMBER

3662

NOTIFICATION DATE

DELIVERY MODE

04/07/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/569,944	Applicant(s) FUJIKAWA ET AL.	
	Examiner Bernarr E. Gregory	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3662

1. The abstract of the disclosure is objected to because the reference numerals need to be enclosed within parentheses for clarity of the text of the abstract. Correction is **required**. See MPEP § 608.01(b).

2. The Specification is hereby objected to under 37 CFR 1.71 in that the uses of the phrase, "or like" (e.g., page 7, line 18) and of the phrase "devices similar thereto" (e.g., page 1, line 8 and page 7, lines 14-15) make the overall disclosure vague as to what is intended to be disclosed in addition to the radar apparatus and method that are plainly disclosed.

The Specification is hereby further objected to under 37 CFR 1.71 in that it fails to teach adequately how to make and to use the invention for embodiments other than radar embodiments. That is to say, the embodiments that are referred to by the phrases "or like" and "devices similar thereto" are not disclosed adequately so that one of ordinary skill-in-the-art could make and use these non-radar embodiments.

It is noted that throughout the Specification there are references to "radar" (e.g., page 1, line 11) and to "radar apparatus" (e.g., page 1, line 11) and to "radio wave" (e.g., page 7, line 4) and to "radio waves" (e.g., page 3, line 16) but there is no mention of any other type of returned-wave system in the Specification (e.g., SONAR or LIDAR).

Art Unit: 3662

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The use of the phrase "OR LIKE" in that title makes the title indefinite and vague as to what the invention is. The disclosure is directed to a radar apparatus. The use of the phrase "or like" in the title and in the Specification gives no clear and definite information as to what the invention is, so the presence of the phrase "or like" in the title makes the title vague as to the identification of the invention that is actually disclosed in this application. Correction is hereby **required**.

4. The drawings are objected to because certain drawing figures are numbered twice, and a figure may only be numbered once. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are **required** in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

With regard to the drawing defects, particularly, Figures 8(a), 8(b), and 8(c) are also numbered as Figure 8; Figures 12(a), 12(b), and 12(c) are also numbered as Figure 12; Figures 13(a) through 13(f) are also numbered as Figure 13; Figures 17(a) through 17(d) are also numbered as Figure 17; and Figures 18(a) through 18(d) are also numbered as Figure 18. A drawing figure may only be numbered once, so the numbering of plural figures a Figure 8, Figure 12, Figure 13, Figure 17, and Figure 18 must be deleted from the drawing figures. Likewise, the Specification must be appropriately amended to delete all references to Figure 8, Figure 12, Figure 13, Figure 17, and Figure 18. Please see 37 CFR 1.84(u). Correction is hereby **required**.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for radar embodiments, does not reasonably provide enablement for embodiments that are “like” radar. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly

connected, to make and to use the invention commensurate in scope with these claims.

Please see the remarks in the objection to the Specification in section 2 above.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1-6, the phrase "or like" renders the claims indefinite because the claims includes elements not actually disclosed (those encompassed by "or like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

In each of independent claims 1, 4, 5, and 6, the uses of the term "detection image data" are indefinite and unclear in context. It would appear that there is no true imaging in the disclosed invention; rather, the reference by the term "detection image data" seems to be to the form that is present on the radar display. The form that is on a radar display is not in a real sense the imaging of a target, but it is rather an indication of the position of the target as determined by the returned radar waves when processed at the radar receiver.

Dependent claims 2-3 are unclear at least in that they depend from unclear independent claim 1.

8. If claims 1-6 can be rewritten to resolve the lack of clarity under 35 USC 112, second paragraph, and to remain within the scope of the disclosure under 35 USC 112, first paragraph, without unduly broadening the claims, claims 1-6 would be allowable. It is suggested that the deletion of all occurrences of the phrase "or like" throughout the

Art Unit: 3662

claims and the clarification of the uses of the term "detection image data" throughout the claims would be adequate to make claims 1-6 allowable over the prior art of record.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner-cited prior art herewith is of general interest for showing the state of the related prior art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/569,944

Page 7

Art Unit: 3662

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bernarr E. Gregory/
Primary Examiner, Art Unit 3662